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REMARKS

Claims 1, 2 and 5-9 are pending in the application.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2, 5 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. United States Patent 6,301,254 issued on October 9, 2001.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art

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in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **Objection to Claim 7**

Claim 7 was objected to, but was indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, ¶2 and to include all of the limitations of the base claim and any intervening claims. Claim 7 has been amended to overcome the rejection(s) under 35 U.S.C. 112, ¶2. Therefore, claim 7, as now presented, is allowable.

#### **Rejection Under 35 U.S.C. 112, Second Paragraph**

Claims 6 and 7 are rejected under 35 U.S.C. 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This ground of rejection is respectfully traversed.

With respect to claim 6, the Examiner asserts that the limitation "any value of the pointer field other than zero constitutes a valid index into the groups table" is indefinite because any value of the pointer field other than zero allows for the groups table to be of infinite size. Applicant respectfully disagrees.

Applicant respectfully submits that, since the universe of pointer field values is clearly defined (i.e., the pointer value may be zero or non—zero), the limitation is definite and satisfies the requirements of 35 U.S.C. 112, ¶2, and is patentable thereunder.

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With respect to claim 7, the Examiner asserts that there is insufficient antecedent basis for the limitation "a lookup table entry" because neither claim 7 nor the parent claim introduces "a lookup table". Applicant respectfully disagrees.

Applicant respectfully submits that there is no need for antecedent basis for a term in the first instance in which that term is used. As such, since the term "a lookup table entry" is first used in claim 7, there is no need for antecedent basis for that term. Furthermore, there is simply no requirement that a lookup table limitation must be defined prior to use of the limitation "a lookup table entry." Applicant respectfully submits that the limitation is definite and satisfies the requirements of 35 U.S.C. 112, ¶2, and is patentable thereunder.

#### **Rejection Under 35 U.S.C. 102(e)**

Claims 1-2, 5 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,301,254 issued to Chan et al. on October 9, 2001.

Independent claim 1 recites creating a groups table having an entry for each of the two paths of every active VP/VC group. Chan fails to teach or suggest a groups table having an entry for each of the two paths of every active VP/VC group. Chan is devoid of any teaching or suggestion of any VP/VC groups. Rather, Chan merely teaches a single table entry for each VP. Specifically, FIG. 4 of Chan clearly teaches that the depicted table entry is a VPI table entry associated with a single VP. Furthermore, FIG. 5 of Chan further teaches, with respect to VCI Routing bit 402, that "[t]his bit selects whether this VP is terminated...." (Chan, FIG. 5, Emphasis added). In other words, Chan merely manages individual circuits using individual associated table entries. Chan is devoid of any teaching or suggestion of any circuit groups, much less active VP/VC groups having associated sets of member circuits. As such, Chan fails to teach or suggest applicant's limitation of creating a groups table having an entry for each of the two paths of every active VP/VC group, as taught in Applicant's claim 1.

Furthermore, applicant's independent claim 1 recites discarding a cell if the status value is indicative of a discard status or forwarding the cell if the status value is not indicative of the discard status. Chan fails to teach or suggest discarding the cell if the status value is indicative of a discard status or forwarding the cell if the status value is not indicative of the discard status. In the Office Action, the Examiner relies on the term "drop", as used in Chan, to teach applicant's limitation of discarding the cell if the status value is indicative of a discard status.

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Applicant respectfully submits, however, that the term "drop", as used in Chan, does not teaching discarding a cell, as taught in applicant's claim 1. Rather, the term "drop", as used in Chan, is clearly defined as dropping the cell off of a SONET ring onto a node for further processing on that node to which the cell is dropped. This is clear from various portions of Chan. For example, Chan specifically states that "[t]he electronic switch 138 either 1) "continues" the traffic to DAS#1120 or 2) "drops" the traffic off the ring." (Chan, Col. 8, Lines 17-18, Emphasis added). Similarly, Chan specifically states that "the electronic switch 138 either continues the traffic or drops the traffic off the ring." (Chan, Col. 8, Lines 34-36). As such, dropping a cell from a SONET ring to a node, as taught in Chan, is not discarding a cell, as taught in applicant's claim 1.

Moreover, in the Office Action, the Examiner specifically cites Broadcast Drop Bit 404, as well as Col. 11, Line 66 – Col. 12 Line 13, of Chan for teaching applicant's limitation of discarding the cell if the status value is indicative of a discard status. Applicant respectfully submits, however, that the cited portions of Chan do not teaching discarding a cell. Rather, with respect to Broadcast Drop Bit 404, the portion of Chan cited by the Examiner specifically states that "[t]he VPR SONET card checks the broadcast drop bit 404. This bit indicates if this VPI/VCI's cell should be "dropped & continued" or just "continued." In other words, as taught in Chan, Broadcast Drop Bit 404 is used during broadcasting of a cell to multiple nodes on a SONET ring to determine which of the nodes on the SONET ring are scheduled to receive that cell. As the cell is transmitted around the SONET ring through each node of the SONET ring, a determination must be made, at each node along the ring, as to whether the current node is scheduled to receive that cell. In order to make this determination, Broadcast Drop Bit 404 is checked to determine whether the cell is passed through the current node towards the next node on the ring (i.e., "continued") or, alternatively, is dropped on the current node for processing and passed through the current node towards the next node on the ring (i.e., "dropped & continued"). As such, dropping of a cell to a node on a SONET ring for further processing, as taught in Chan, is simply not discarding the cell if the status value is indicative of a discard status, as taught in applicant's invention of claim 1.

As such, applicant respectfully submits that independent claim 1 is allowable over Chan et al. under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which

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they ultimately depend, each such dependent claim is also allowable over Chan et al. under 35 U.S.C. 102.

#### **Rejection Under 35 U.S.C. 103(a)**

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,301,254 issued to Chan et al. on October 9, 2001.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Chan et al. Since the rejection under 35 U.S.C. 102 given Chan et al. has been overcome, as described hereinabove, these grounds of rejection cannot be maintained.

Therefore, applicant's claims are allowable over Chan et al. under 35 U.S.C. 103(a).

#### **Secondary References**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to applicant's disclosure than the primary references cited in the Office Action. Therefore, applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorneys Michael Bentley at 732-383-1434 or Eamon J. Wall at 732-530-9404 so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to counsel's Deposit Account No. 20-0782/LCNT/CHRM7S7.

Respectfully submitted,

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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808